

**RESOLUTION**  
**TOWNSHIP OF WASHINGTON**  
**ZONING BOARD OF ADJUSTMENT**

**Introduced by:**

Asfar Cumming Mouravieff O'Connell Rappa Scudieri Smith Miras

**Seconded by:**

Asfar Cumming Mouravieff O'Connell Rappa Scudieri Smith Miras

WHEREAS, JOHN MOYE (the "Applicant") has applied to the Zoning Board of Adjustment of the Township of Washington pursuant to N.J.S.A. 40:55D-70c (1) & (2) for variances to permit the construction of a covered carport to the existing garage where the proposed addition requires variances for the front yard minimum setback in accordance with Section 245-30 of the Code and where the driveway width exceeds the maximum width in accordance with Section 245-77.3A of the Code at 755 White Birch Road, designated as Block 2208, Lot 7 on the Tax and Assessment Map of the Township of Washington; and

WHEREAS, the Township of Washington Zoning Board of Adjustment after carefully considering the testimony of applicant, John Moye and his expert architect, John J. Bruno, AIA, Architect, and the evidence presented by applicant, as well as, comments and discussion during the general public hearing held on November 17, 2015 and the reports/letters of Michael L. Ritchie, P.L.S. of Azzolina & Fuery, Inc., 30 Madison Ave. Paramus, NJ dated July 21, 2015 and August 6, 2015;

WHEREAS, the Township of Washington Zoning Board of Adjustment has reviewed the following:

- a. Township of Washington Application for Variance, signed by applicant, John Moyer on August 6, 2015;
- b. The reports/letters of the Township Engineer, Azzolina & Fuery Engineering, Inc. dated July 21, 2015 and August 6, 2015;
- c. An architectural drawing by Joseph J. Bruno, AIA, Architect 29 Pascack Road, Park Ridge NJ 07656, consisting of one (1) sheet, entitled "Car Port Addition for the Moyer Residence, 755 White Birch Road Township of Washington, NJ," dated 05/22/15 and revised 06/09/15 and as of 07/02/2015, and being marked Exhibit A-1 for identification at the hearing;
- d. A set of two (2) photos marked Exhibit A-2 for identification at the hearing;

WHEREAS, the Township of Washington Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

1. The property is presently being used as a residential dwelling and is located in an "AA" residential zone;
2. The Applicant seeks to construct a covered carport to the existing garage, wherein the Zoning Officer determined that variances are required in accordance with Township of Washington Zoning Code Chapter 245-30 front yard minimum setback and Chapter 245-77.3A driveway maximum width;
3. Pursuant to N.J.S.A. 40:55D-70c (1) & (2), the applicant seeks a variance from the required minimum front yard setback of 50 feet where 37.661 feet is proposed, and where the required maximum driveway width is 22 feet and 23.66 is proposed;
4. At the public hearing conducted on November 17, 2015, John Moyer and his architect, Joseph J. Bruno testified that applicant seeks variances for a project that is located on a corner lot, presenting a hardship with no opportunity to build the covered carport without the need for a variance. In addition, the variances are for very minimal and modest deviations, where the purpose and intent of zoning regulation is effectively

preserved and any detriment is clearly outweighed by the architectural benefits, and that the proposed covered carport would be more aesthetically pleasing and balanced with other homes in the neighborhood. Moreover, the carport will allow for an additional vehicle to be parked under a covered structure to the side of the existing house instead of the front of the house, therefore less visible to passers by and will be screened from the road by a tall evergreen hedge improving the landscaping of the property;

5. The application complies in all other respects as to front, side and rear yard setbacks;

WHEREAS, the Zoning Board of Adjustment of the Township of Washington has determined that the requested front yard setback and driveway width variances are justified under C1 and C2 of the statute, in light of the fact that the configuration of the property is on a corner lot, creating a hardship for applicant to comply with front yard setback and driveway width maximum, that the deviations are very minimal at best, that the addition of a covered carport is conducive to the neighborhood, will contribute positively in terms of keeping additional parked vehicles out of sight, and improve value and desirability, will not appear out of scale and character with other properties in the area, will have a positive aesthetic effect for the surrounding neighborhood, and would advance the purposes of land use law;

WHEREAS, the Zoning Board of Adjustment has determined that the relief requested by the Applicants can be granted without substantial detriment to the public good and without substantially impairing the intent purpose of the Zoning Ordinances of the Township of Washington, the enforcement of which would result in practical difficulty with the additional structure to applicant's property. Moreover the Board finds

that the plan represents a better planning alternative with the least impact on the property as a whole, and is not out of character and is not likely to be a substantial detrimental impact upon any other properties in the neighborhood;

NOW THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Washington on this 15th day of December, 2015, that based upon the findings of fact and documents submitted for review as previously set forth, the application of John Moye is hereby granted to allow applicant's covered carport addition to his property in conformity with the plans submitted to this Board and conditioned upon compliance with the requirements outlined in the July 21, 2015 and August 6, 2015 reports/letters of Township of Washington Engineer, Azzolina & Fuery Engineering Inc.;

BE IT FURTHER RESOLVED that pursuant to the Code of the Township of Washington, the variances granted will expire within one year from the date of this Resolution if construction is not commenced, however, this Board reserves the right to grant extensions of time from this Resolution if circumstances warrant the same;

BE IT FURTHER RESOLVED, that the Secretary of the Zoning Board of Adjustment of the Township of Washington is hereby directed to mail a copy of this Resolution to the applicants; to furnish a copy to the building department; to file a copy of this Resolution with the Township of Washington Clerk; and to cause a notice of this determination of the Zoning Board of Adjustment to be published in the official newspaper of the Township of Washington within ten (10) days of the date hereof and thereafter published according to law.

Dated: December 15, 2015

BY THE BOARD

BY:   
Richard Miras, Chairman

Certified to be a true copy of the Resolution adopted by the Zoning Board of  
Adjustments of the Township of Washington at its meeting on Tuesday, December 15, 2015.

  
Mary Anne Murphy, Secretary

	Ayes	Nays	Abstain	Absent
Asfar	_____	_____	_____	<u>  ✓  </u>
Cumming	_____	_____	_____	<u>  ✓  </u>
Mouravieff	<u>  ✓  </u>	_____	_____	_____
O'Connell	_____	_____	_____	<u>  ✓  </u>
Rappa	<u>  ✓  </u>	_____	_____	_____
Scudieri	<u>  ✓  </u>	_____	_____	_____
Smith	<u>  ✓  </u>	_____	_____	_____
Miras	<u>  ✓  </u>	_____	_____	_____